

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD VELOZ,

No. C 12-06309 WHA

Plaintiff,

v.

PACIFIC GAS & ELECTRIC COMPANY and
IBEW LOCAL 1245,

**SECOND NOTICE RE
ORAL ARGUMENT**

Defendant.

Counsel should be prepared to address the following at the hearing on June 26:

1. Where in the record is the direct proof that no appointment was scheduled for plaintiff's son to see Dr. Roge on February 26 or February 27, 2011? The fact that in July 2010, Dr. Roge only expected to see the son a year later does not rule out the possibility that something could have come up in the interim making an earlier appointment necessary.

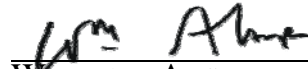
2. Paragraph 16 of the Declaration of Africa Davidson stated (Dkt. No. 139) (emphasis added):

Concerned about the truthfulness of Plaintiff's testimony about the legitimacy of his absences and the dates of medical appointments during the first session of his deposition, we subpoenaed documents from his three health care providers and noticed their depositions for February 26th and February 27th. Their testimony demonstrated that Plaintiff had made material misrepresentations, both to PG&E in 2011 and during the first session of his deposition, regarding his activities in February 2011. *They testified they had no appointments scheduled for his son the weekend Plaintiff was supposed to report for storm related, mandatory overtime assignment.* They further testified there was no need for such an appointment given that they were not scheduled to see him for another 6 months.

1 Where is the testimony that no appointments were scheduled for Mr. Veloz's son the weekend
2 he was supposed to report to the mandatory overtime assignment?

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4 **IT IS SO ORDERED.**

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6 Dated: June 25, 2014.

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8 WILLIAM ALSUP
9 UNITED STATES DISTRICT JUDGE
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